

Division 3. Air Resources Board

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 7. Certification Procedures for Aftermarket Parts for Off-Road Vehicles,
Engines, Equipment

§ 2474. Add-On Parts and Modified Parts.

(a) As used in this section, the terms “advertise” and “advertisement” include, but are not limited to, any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a product or service communicated to the public for the purpose of furthering the sale of the product or service.

(b) (1) Except for publishers as provided in subsection 3, no person or company doing business solely in California or advertising only in California shall advertise any device, apparatus, or mechanism which alters or modifies the original design or performance of any required off-road vehicle, engine, or equipment pollution control device or system unless such part, apparatus, or mechanism has been exempted from Vehicle Code (VC) Sections 27156, 38391 or California Code of Regulations (CCR), Title 13, Section 2472, and the limitations of the exemption, if any, are contained within the advertisement in type size to give reasonable notice of such limitations.

(2) Except for publishers as provided in subsection 3, no person or company doing business in interstate commerce shall advertise in California any device, apparatus, or mechanism which alters or modifies the original design or performance of any required off-road vehicle, engine, or equipment pollution control device or system and is not exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472, unless each advertisement contains a legally adequate disclaimer in type size adequate to give reasonable notice of any limitation on the sale or use of the device, apparatus, or mechanism.

(3) No publisher, after receipt of notice from the state board or after otherwise being placed on notice that the advertised part is subject to and has not been exempted from the provisions of VC Sections 27156, 38391 or CCR, Title 13, Section 2472, shall make or disseminate or cause to be made or disseminated before the public in this state any advertisement for add-on or modified parts subject to the provisions of this article, which have not been exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472, unless such advertisement clearly and accurately states the legal conditions, if any, on sale and use of the parts in California.

(4) The staff of the state board shall provide, upon request, model language which satisfies these requirements.

(c) No person shall advertise, offer for sale, or install a part as an off-road vehicle, engine, or equipment pollution control device or as an exempted device, when in fact such part is not an off-road vehicle, engine, or equipment pollution control device or is not approved or exempted by the state board.

(d) No person shall advertise, offer for sale, sell, or install an add-on or modified part as a replacement part.

(e) The executive officer may exempt add-on and modified parts based on an evaluation conducted in accordance with the “Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories,” adopted July 14, 2000, which is hereby incorporated by reference herein.

(f) Each person engaged in the business of retail sale or installation of an add-on or modified part which has not been exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472 shall maintain records of such activity which indicate date of sale, purchaser name and address, vehicle, engine, or equipment model and work performed if applicable. Such records shall be open for reasonable inspection by the executive officer or his/her representative. All such records shall be maintained for four years from the date of sale or installation.

(g) A violation of any of the prohibitions set forth in this section shall be grounds for the executive officer to invoke the provisions of section 2476.

(h) (1) The executive officer shall exempt new aftermarket non-original equipment catalytic converters for off-road vehicles, engines, and equipment from the prohibitions of VC Sections 27156, 38391 or CCR, Title 13, Section 2472 based on an evaluation conducted in accordance with the “California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters for Off-Road Vehicles, Engines, and Equipment,” adopted October 1, 1999, which is hereby incorporated by reference herein.

(2) No person shall install, sell, offer for sale or advertise any new non-original equipment aftermarket catalytic converter for off-road vehicles, engines, and equipment in California that has not been exempted pursuant to the procedures as provided in this subsection.

(3) For the purposes of this regulation, a new non-original equipment aftermarket catalytic converter for off-road vehicles, engines, and equipment is a catalytic converter which is constructed of all new materials and is not a replacement part as defined in Title 13, CCR, Section 1900, or which includes any new material or construction which is not equivalent to the materials or construction of the original equipment converter for off-road vehicles, engines, and equipment.

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(i) (1) No person shall install, sell, offer for sale or advertise any used catalytic converter for off-road vehicles, engines, or equipment in California unless such catalytic converter has been exempted pursuant to the "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," adopted July 14, 2000, which is hereby incorporated by reference herein.

(2) No person shall install, sell, offer for sale or advertise any recycled or salvaged used catalytic converter for off-road vehicles, engines, and equipment in California unless such converters have been exempted from the prohibitions of VC Sections 27156, 38391 or CCR, Title 13, Section 2472 pursuant to the procedures provided in this subsection.

(3) For the purposes of this regulation, a "used catalytic converter" for off-road vehicles, engines, and equipment is a catalytic converter which is not a new aftermarket non-original equipment catalytic converter for off-road vehicles, engines, and equipment as defined in subsection (h)(3), or a replacement part as defined in Title 13, CCR, Section 1900.

(j) (1) The executive officer shall exempt alternative fuel conversion systems for off-road vehicles, engines, and equipment from the prohibitions of VC Sections 27156, 38391 or CCR, Title 13, Section 2472 based on an evaluation conducted in accordance with the "California Certification and Installation Procedures for Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment to Use Alternative Fuels," adopted October 1, 1999, which is hereby incorporated by reference herein.

(2) No person shall install any alternative fuel conversion system for off-road vehicles, engines, and equipment in California unless the alternative fuel conversion system has been exempted and installed in accordance with the procedures and requirements pursuant to the "California Certification and Installation Procedures for Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment to Use Alternative Fuels," adopted October 1, 1999, which is hereby incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601, 43013 and 43018, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43000.5, 43013, 43017 and 43018, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code.

REFERENCE